

#174

PTO/SB/97 (08-00)

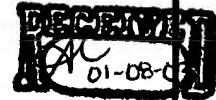
Approved for use through 10/31/2002. OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control Number.

Re: U.S. Patent Application No. 09/187888 filed 10/07/1998
 Title: DISTRIBUTING ACCESS TO A DATA ITEM
 Inventor: Leonard M. Kawaii, Jr., et al.
 Examiner: Callahan, Paul E. - Group Art Unit: 2134
 Attorney Docket No.: 107755.117

Official



Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
 United States Patent and Trademark Office to:

TC2100 After Final Fax No. 703 746 7238

on January 8, 2003
 Date

Rochelle Harper Greenidge
 Signature

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 Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify
 each submitted paper.

Document

Fee Transmittal Form
 Petition To Revive An Unintentionally Abandoned Patent
 Application
 Request For Continued Examination Transmittal

No.
 Pgs.

1
 4
 1

Total Number of Pages attached (excluding this
 Certificate of Transmission)

6

Bureau Fee Statement: This form is estimated to take 0.05 hours to complete. Time will vary depending upon the needs of the individual case.
 Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark
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 Washington, DC 20231.

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PTO/SB/17 (01-03)

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FEE TRANSMITTAL

for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT: (\$)-2,050.00

Complete if Known:

Application Number: 09/167,888
 Filing Date: 10/07/1998
 First Named Inventor: Leonard M. Kowell, Jr.
 Examiner Name: Callahan, Paul E.
 Art Unit: 2134
 Attorney Docket No.: 107755-117

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

 Deposit Account Number:
 Deposit Account Name:

08-0219

Hale and Dorr LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	20**	X	
Multiple Dependent Claims	3**	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	Reissue independent claims over original patent	
1205 18	2205 9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or path	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 65	Non-English specification	
1812 2,520	2812 1,260	For filing a request for ex parte reexamination	
1804 920	2804 460	Requesting publication of SIR prior to Examiner action	
1805 1,840	2805 920	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	2451 755	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	1,300.00
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	2460 65	Petitions to the Commissioner	
1807 50	2807 25	Processing fee under 37 CFR 1.17(g)	
1806 180	2806 90	Submission of Information Disclosure Stmt	
8021 40	28021 20	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.29(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	750.00
1802 900	2802 450	Request for expedited examination of a design application	

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)-2,050.00

SUBMITTED BY:

Name (Print/Type) Jason A. Reyes

Registration No. 41,513

(Attorney/Agent)

(Complete if applicable)

Telephone: (617) 526-6010

Signature

[Signature]

Date

January 8, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket Number 107755.117)

Applicant(s): Leonard M. Kawell, Jr., et al. **Examiner:** Callahan, Paul E.
Serial No.: 09/167,888 **Group Art Unit:** 2134
Filing Date: October 7, 1998
Title: DISTRIBUTING ACCESS TO A DATA ITEM

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Assistant Commissioner for Patents, United States Patent and Trademark Office to TC2100 After Final Fax No. 703 746 7238 on January 8, 2003.

Rochelle Harper Greenidge
Rochelle Harper Greenidge

**PETITION PURSUANT TO 37 C.F.R. §1.137(b) TO REVIVE AN UNINTENTIONALLY
ABANDONED PATENT APPLICATION**

Assistant Commissioner for Patents
Washington, DC 20231

Hon. Assistant Commissioner for Patents:

An Office Action issued on June 14, 2002. The Office Action was marked "non-final" but was also marked "final" on the Office Action Summary sheet (copy attached).

An amendment and response with a petition for two month extension of time was timely filed November 14, 2002. Applicant did not file a Request for Continued Examination (RCE) with the amendment and response.

An Advisory Action issued December 16, 2002, stating that the June 14, 2002, Office Action was a final rejection and that the amendment filed November 14, 2002, would not be entered. Applicant received the Advisory Action on December 19, 2002, which was after

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OFFICE OF PETITIONS

USSN: 09/167,888

Applicant(s): Leonard M. Kawell, Jr., et al.

Page 2

PATENT

Attorney Docket No. 107755.117

expiration of the statutory time period of six months for response (which expired December 14, 2002). To date, Applicant has not received a Notice of Abandonment in this application. Since receipt of the Advisory Action on December 19, 2002, telephonic attempts by Applicant's attorney to seek advice from the Examiner have been unsuccessful. Applicant's attorney spoke with the Patent Assistance Center which recommended seeking advice from the Examiner in view of the above-referenced Summary sheet.

Applicant hereby requests revival of the application, presumed abandoned by failure to timely file an RCE with the response to the Office Action. The entire delay in submitting the required filing from the due date until the filing of this petition was unintentional.

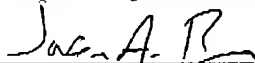
An RCE is being filed with this petition. The RCE refers to the amendment and response previously filed on November 14, 2002.

It is believed that this Petition is timely filed because it is filed within one month of the expiration of the statutory time period of six months for response to the Office Action.

Please charge our Deposit Account No. 08-0219 for the petition fee pursuant to 37 C.F.R. §1.17(m).

Applicant does not believe that any additional fees are due. However, should an Extension of Time be required, please charge our Deposit Account No. 08-0219 the required fee pursuant to 37 C.F.R. §1.17(a).

Respectfully submitted,



Jason A. Reyes

Reg. No.: 41,513

Attorney for Applicants

Date: January 8, 2003

HALE AND DORR LLP
60 State Street
Boston, MA 02109
Tel.: (617) 526-6010
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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Washington, D.C. 20531
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/167,888	10/07/1998	LEONARD M. KAWELL, JR.	107755.117	1881

7590

06/14/2002

JASON A REYES
 HALE AND DORR
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 BOSTON, MA 02109

HALE AND DORR LLP
 JUN 20 2002
 INTELLECTUAL PROPERTY
 DEPARTMENT

EXAMINER

CALLAHAN, PAUL E

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 06/14/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

HALE & DORR DOCKETINGRE: 107755.117 US1Action Date: 9.14.02Action to be Taken: "F"Docketed By: 07 On: 6.20.02

Office Action Summary	Application No. 09/167,888	Applicant(s) KAWELL, JR ET AL.	
	Examiner Paul E. Callahan	Art Unit 2132	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2002.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |